

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:04-cr-250

UNITED STATES OF AMERICA

vs.

JAMES WILLIAM BOYD (2)

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine triggered by the Fair Sentencing Act of 2010 (Doc. No. 725), and the government's response (Doc. No. 732).

The Court previously reduced the defendant's sentence based on Amendment 706 to the United States Sentencing Guidelines. (Doc. No. 703). The parties agree that under Amendment 750, and comparable departure for substantial assistance, the defendant is eligible for a further reduction to 94 months. (Doc. No. 725: Motion at 12; Doc. No. 732: Response at 4). According to the Bureau of Prisons, a sentence of 94 months would be complete on May 1, 2012. The government opposes the motion based on prior sentence reductions and post-sentencing conduct. (Doc. No. 732: Response at 5).

Consistent with 18 U.S.C. § 3582(c)(2), the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

IT IS, THEREFORE, ORDERED that the defendant's motion is **GRANTED** and the defendant's sentence is reduced to the time served plus 10 days.

IT IS FURTHER ORDERED that, if the defendant is released from imprisonment without a residential plan accepted by the United States Probation Office, the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the United States Probation Office, as a condition of supervised release. All other terms and conditions previously imposed.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: May 1, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

